

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GUNTER,

Plaintiff,

No. C 05-03910 JSW

v.

DEPARTMENT OF HOUSING & URBAN  
DEVELOPMENT, et al.,

Defendants.

**ORDER DISMISSING ACTION  
WITHOUT PREJUDICE**

On April 20, 2006, this Court issued an Order dismissing Plaintiff's amended complaint and denying Plaintiff's second application to proceed in forma pauperis. In that Order, the Court ordered Plaintiff to file a comprehensible complaint by no later than May 22, 2006, and advised Plaintiff that the failure to file a second amended complaint in compliance with the Order would result in the dismissal of the action without prejudice.

Plaintiff has not filed a second amended complaint. Accordingly, this action is **HEREBY DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Clerk is directed to close the file.

**IT IS SO ORDERED.**

Dated: August 31, 2006

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE